



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Kenneth Turos
Sole Inventor: Kenneth Turos
For: Shaping Tool
Attorney Docket Number: 2067.030
Express Mail Label Number: ER563728315US
Application Serial No: 10/684,021
Examiner: Sara Addisu
Group Art Unit: 3722

**DECLARATION OF DAVID NORDGREN
ACCOMPANYING REPLY TO OFFICE ACTION
MAILED BY THE EXAMINER ON MARCH 10, 2005**

To: MAIL STOP Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I, David Nordgren, declare as follows:

1. I have been a mechanic since 1973. My current employer is Jim's Alignment, 402 N. 16th Street, Phoenix, Arizona 85006.
2. I am familiar with the subject matter of the above-identified application. In addition, I have carefully studied U.S. Patent No. 4,057,884 issued on November 15, 1977 to Suzuki ("Suzuki Patent"), U.S. Patent 6,279,919 issued August 28, 2001 to Turos ("Turos Patent"), and U.S. Patent No. 1,435,288 issued on October 10, 1921 to Gifford, *et al.* ("Gifford Patent").
3. Based on my knowledge and expertise, I hereby state that a person of ordinary skill in the art would not consider either the Suzuki Patent or the Gifford Patent when trying to

provide the shaping tool described in the above-identified application.

4. In particular, one of ordinary skill in the art would not look to the Suzuki Patent for any teaching or suggestion in connection with the apparatus shown in the application. Tool users have found extremely useful the combination of the coupler, arm and swivel member. The tongue formed in one end of the swivel member includes, as shown in the application, a partially beveled edge. By positioning the partially beveled edge in the slot so that the partially beveled edge makes contact with the back surface of the slot at a desired point in rotation of the swivel head in relationship to the arm, further movement is restricted. The swivel member can be locked in a desired position during operation.

5. The device shown in the Suzuki Patent lacks that locking capacity. As a result, during use the Suzuki device vibrates and shakes, which can lead to imperfect shaping work.

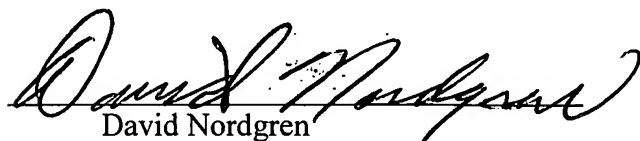
6. The device shown in the Suzuki Patent has not been widely accepted in the industry.

7. On the other hand, the shaping tool shown in the application has been recognized to be the solution to what has long been needed in the industry. Attached as Exhibit A and Exhibit B are a letter and an award received by the inventor of the shaping tool, confirming that it was one of the Top 10 Tools chosen by Undercar Digest in 2003.

8. To my knowledge, at the time the Application was filed, no one in the industry had suggested the shaping tool shown in the application.

9. Furthermore, more and more users in the industry are turning to the shaping tool as the standard for shaping work.

10. I hereby declare that all statements made in this paper of my own knowledge are true; that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine, or imprisonment, or both, under 18 U.S.C. §1001, and that such willful, false statements may jeopardize the validity of the application, the patent that issues thereon, or any patent resulting therefrom.


David Nordgren

Undercar Digest

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January 16, 2004

Ken Tuross
SUN TOOL CO.
P.O. Box 13207
albuquerque, NM 87192

Dear Ken,

Congratulations! The readers of *Undercar Digest* have chosen the SPEED PRO MACH 3 BORING BAR as one of the Top Ten Tools of 2003.

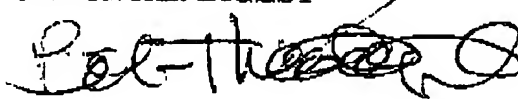
It's a pleasure for us to recognize SUN TOOL as a leader in our industry, and we're looking forward to an excellent year together.

We'll be announcing the winners in the March edition of *Undercar Digest*, and winners will also be recognized with a special display at SHOWPOWER 2004 in Ft. Worth, April First through the Fourth. Awards will be given at a special breakfast on Saturday, the Third, at 7:30, and we'll be presenting plaques and taking photos at that time.

A slick of the Top Ten Tool of The Year logo, which you can use in marketing your winning product, will be shipped soon. Logos may be placed in advertising, brochures, catalogs, even on the product itself.

Thank you for participating in the contest and congratulations again on your win.

Sincerely,
UNDERCAR DIGEST



Bob Threadgill, A.E.

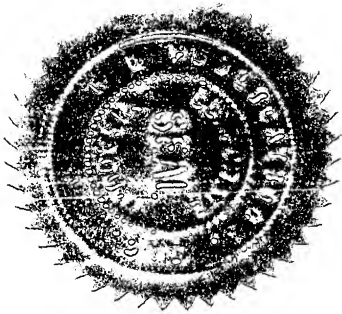
The Top 10 Tools


Voted one of the Top 10 for 2004 by the readers of *Undercover Digest*

Sum Tool

Speed Pro MAC33 Boring Bar

The competition started in October 2003, when the nominations appeared in *Undercover Digest*. For three months the readers cast ballots for the Top 10. The winners were announced at Showpiece 2004, and the certificate was awarded at a special breakfast honoring the best in the business.




Carol Langsford, President
MID Publications Inc.